

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

EMILY MILBURN, Individually and as §
Next friend of DYMOND LARAE §
MILBURN §
§
v. §

CIVIL ACTION NO. 08-193

SERGEANT GILBERT GOMEZ (BADGE §
#987), OFFICERS DAVID ROARK §
(BADGE #332), JUSTIN POPOVICH §
(BADGE #336), and SEAN STEWART §
(BADGE #392) §

JURY DEMAND

DEFENDANTS' NOTICE OF INTERLOCUTORY APPEAL

Defendants, Sergeant Gilbert Gomez and Officers David Roark and Sean Stewart, come now and file this notice of interlocutory appeal to the United States District Court of Appeals for the Fifth Circuit.

The Defendants appeal the District Court's denial of the Defendants' Motion for Summary Judgment based upon, *inter alia*, qualified and official immunity.

Respectfully submitted,

/S/ William S. Helfand _____
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded to the following counsel of record in accordance with the District's ECF service rules on this 30th day of October, 2009.

Anthony P. Griffin
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/S/ William S. Helfand _____